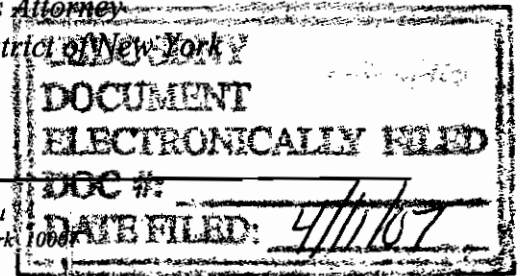


U.S. Department of Justice



United States Attorney  
Southern District of New York

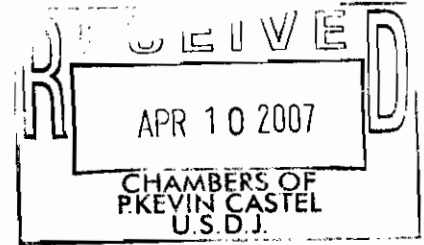
**MEMO ENDORSED**

86 Chambers Street  
New York, New York 10007

April 9, 2007

BY HAND TO CHAMBERS

Hon. P. Kevin Castel  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 2260  
New York, NY 10007



Re: City of New York v. United States Department of Justice,  
07 Civ. 2240 (PKC)

Dear Judge Castel:

Defendant the United States Department of Justice (the "Government") respectfully submits this letter to request a 60-day extension of time in which to respond to the above-referenced complaint, and an adjournment of the initial conference currently scheduled for May 11, 2007. The matter was received by this Office on March 21, 2007 and our response is due on April 13, 2007.

The Government respectfully requests the extension of time in which to respond to the complaint because this Office is in the initial stages of coordinating with the Department of Justice and more specifically the Executive Office of the United States Attorneys, and has not yet received the information necessary to respond. In that regard, this Office is not yet in a position to know whether this action, which is brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*, may be subject to resolution without the need for further litigation. Finally, the Government respectfully requests that the May 11, 2007 conference be adjourned to another date convenient to the Court because counsel for the Government will be out of the Office on vacation that week.

Plaintiff the City of New York (the "City") refuses to consent to the Government's requests notwithstanding that the United States Attorney's Office cannot respond meaningfully to the complaint at this time. As per Your Honor's Individual Rules, the Government asked plaintiff to explain its refusal to this first request for an extension. Counsel for the City informed me that "as a matter of professional courtesy [it] would consent to an extension of a few weeks but believes that an extension of 60 days is excessive on this matter of significant import. The

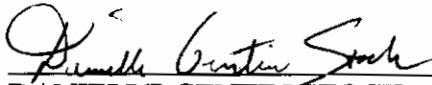
City intends to move for summary judgment promptly."

For the reasons set forth above, the Government respectfully requests that it have until June 12, 2007 by which to respond to the complaint and that the Court adjourn the May 11, 2007 conference to another date convenient to the Court. As set forth above, the United States Attorney's Office requires the additional time so that it can responsibly represent its position before this Court and proceed efficiently with this matter.

Thank you for your consideration of these requests.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By:   
DANIELLE GENTIN STOCK  
Assistant United States Attorney  
Tel. No.: (212) 637-2748  
Fax No.: (212) 637-2686

cc: Alan H. Kleinman, Esq. (by facsimile)  
Attorney for the City of New York

*Promotion conference to be held on  
June 15, 2007 at 10:45 a.m. on plaintiff's  
proposed motion.  
Defendant's response to the complaint  
due May 29, 2007. Initial  
conference adjourned from May 11  
to June 15, 2007 at 10:45 a.m.  
The parties, through senior counsel,  
are directed to meet and confer  
face to face for no less than  
one hour in an effort to resolve  
the merits of the underlying  
claim. Meeting to be held by May 4, 2007.*

*SO ORDERED,  
JSDJ  
4-10-07*